

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PENNECO PIPELINE CORPORATION,)

PENNECO OIL COMPANY, INC.,)

Plaintiff,)

v.)

K. PETROLEUM, INC.)

Defendant.)

2:18cv248

Electronic Filing

MEMORANDUM ORDER

AND NOW, this 30th day of October, 2018, consistent with the discussions with counsel and representations made at the status conference held on October 16, 2018, IT IS ORDERED that [26], [36] plaintiff's motions to compel discovery be, and the same hereby are, granted as follows. To the extend the matters have not already been resolved through agreements of counsel, defendant shall serve responses to the pending interrogatories and produce the requested documents, beginning with an initial date of April 1, 2017, and moving forward to March 1, 2018. Where defendant does not have responsive information or documents it shall so indicate in a formal response.

Defendant's contention that it need not produce the recap producer statements and/or the agreements that govern the relationship between it and the purchaser of plaintiff's gas after that gas passes through the initial point where it is considered to be "delivered" and thus "sold" to the purchaser(s) is misplaced. A stipulated protective order has been entered and consideration of the myriad of factors governing the scope of permissible discovery supports the determination that plaintiff is entitled to understand the transactional relationship which generates the stream of revenue produced from the delivery of plaintiff's gas and the specific information defendant

possesses which reflects and/or impacts the calculation of that revenue.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Daniel B. McLane, Esquire
Michael P. Pest, Esquire
Brad A. Funari, Esquire
Thomas J. Galligan, Esquire

(Via CM/ECF Electronic Mail)